

C1 a vaso-occlusion device retainer subassembly comprising a junction region, a plurality of radially extending members, each member having a proximal end and a distal end, the respective proximal ends fixedly attached to said junction region, the respective distal ends configured for non-traumatic tissue contact in order to retain said retainer subassembly at a site in a body, and a fabric fixedly attached between ones of said plurality of members, said retainer subassembly having a first delivery shape during delivery and a second deployed shape, different than the first delivery shape, after said retainer subassembly is delivered to the site,

an elongated delivery member, and

an electrolytically severable joint which is integrally continuous between said retainer subassembly and said elongated delivery member, severable upon application of a suitable current to said joint.

C2 5. (Twice Amended) The retainer assembly of claim 1, wherein said elongated delivery member is a core wire comprising at least one radio-opaque marker.

C3 16. (Twice Amended) The retainer assembly of claim 11, wherein said elongated tubular delivery member additionally comprises at least one radio-opaque marker.

REMARKS

Reconsideration of this application is respectfully requested based on the preceding amendments and the following remarks.

Claims 1-5 and 11-16 remain pending in this application. Claims 5 and 16 stand rejected under 35 U.S.C. §112. Claims 1-5 stand rejected under 35 U.S.C. §102(e) over Eder. Claims 11-16 stand rejected under 35 U.S.C. 103(a) over Eder in view of Purdy.

35 U.S.C. § 112:

Dependent claims 5 and 16 have been amended to overcome the 112 rejection. In particular, claims 5 and 16 have been amended to simply recite that the delivery member comprises a radio-opaque marker, without concern or confusion as to the location of the marker.

35 USC 102(e); Eder:

Claims 1-5 stand rejected under 35 U.S.C. §102(b) over Eder. Independent claim 1 has been amended to identify that the plurality of radially extending elements in the retainer subassembly are members having proximal and distal ends, the proximal ends attached to the junction region and the distal ends configured for non-traumatic tissue contact in order to retain said retainer subassembly at a site in a body. Independent claim 1 has been further amended to recite that the fabric is attached between ones of said plurality of members.

With these amendments, Applicants believe that claim 1 is in condition for allowance. Since the remaining claims depend from claim 1, Applicants respectfully request the allowance of the application.

Regarding the § 103 rejections, under 35 U.S.C. 103(c), "subject matter developed by another which qualifies as "prior art" only under one or more of subsections 35 U.S.C. 102(e), (f) and (g) is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. 103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made." MPEP § 2146.

Applicant hereby notes that the present application and Eder (U.S. Patent No. 6,063,070) were, at the time the invention of the present application was made, both owned by Target Therapeutics, Inc. Thus, applicants submit that Eder is disqualified from being used in a rejection under 35 U.S.C. 103(a) against the claims of the present application.

Attached as an appendix is a version of the claims showing the specific amendments made. The Examiner is invited to directly contact the undersigned at the number listed below if it would serve to advance prosecution of this application.

Respectfully submitted,

LYON & LYON LLP

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By: DT Burse
David T. Burse
Reg. No. 37,104

633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
408-993-1555



Claims With Markings to Show Changes Made

1. (Twice Amended) An aneurysm retainer assembly deliverable through a vascular catheter, comprising:
- a vaso-occlusion device retainer subassembly comprising [i.] a junction region, a plurality of radially extending [elements] members, each member having a proximal end and a distal end, the respective proximal ends fixedly attached to said junction region, the respective distal ends configured for non-traumatic tissue contact in order to retain said retainer subassembly at a site in a body, and [iii.] a fabric fixedly attached [to each] between ones of said plurality of [radially extending elements] members, [wherein] said retainer subassembly having a first delivery shape during delivery and a second deployed shape, different than the first delivery shape, after said retainer subassembly is delivered to the site,
- an elongated delivery member, and
- an electrolytically severable joint which is integrally continuous between said retainer subassembly and said elongated delivery member, severable upon application of a suitable current to said joint.

5. (Twice Amended) The retainer assembly of claim 1, wherein said elongated delivery member is a core wire comprising [which additionally comprises] at least one radio-opaque marker [located distally from the retainer subassembly].

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16. (Twice Amended) The retainer assembly of claim 11, wherein said elongated tubular delivery member additionally comprises at least one radio-opaque marker [located at said distal end].